

ASSEMBLY BILL 560 (LRB -0938)

An Act to repeal 230.45 (1) (e); and to amend 230.44 (3), 230.44 (4) (b), 230.45 (1) (h) and 230.45 (3) of the statutes; relating to: remedial statutory changes affecting the Wisconsin Employment Relations Commission (suggested as remedial legislation by the Wisconsin Employment Relations Commission).

2009

- 11-10. A. Introduced by **LAW REVISION COMMITTEE**.
- 11-10. A. Read first time and referred to committee on Labor 513
- 12-02. A. Public hearing held.

2010

- 01-13. A. Executive action taken.
- 01-14. A. Report passage recommended by committee on Labor, Ayes 7, Noes 0 572
- 01-14. A. Referred to committee on Rules 572
- 01-20. A. Placed on calendar 1-26-2010 by committee on Rules.
- 01-26. A. Read a second time 604
- 01-26. A. Ordered to a third reading 604
- 01-26. A. Rules suspended 604
- 01-26. A. Read a third time and **passed** 604
- 01-26. A. Ordered immediately messaged 604
- 01-26. S. Received from Assembly 512
- 01-29. S. Read first time and referred to committee on Labor, Elections and Urban Affairs 531
- 03-10. S. Public hearing held.
- 03-16. S. Executive action taken.
- 03-17. S. Report concurrence recommended by committee on Labor, Elections and Urban Affairs, Ayes 5, Noes 0 ... 642
- 03-17. S. Available for scheduling.
- 04-08. S. Placed on calendar 4-13-2010 pursuant to Senate Rule 18(1) 681
- 04-13. S. Read a second time.
- 04-13. S. Ordered to a third reading.
- 04-13. S. Rules suspended.
- 04-13. S. Read a third time and **concurred in**.
- 04-13. S. Ordered immediately messaged.
- 04-14. A. Received from Senate concurred in 829

2009

ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

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Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

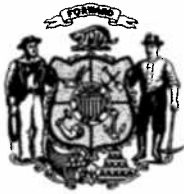
Topic Rel

4-15-10

Date

JR Miller

Enrolling Drafter



2009 ASSEMBLY BILL 560

November 10, 2009 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Labor.

1 **AN ACT** *to repeal* 230.45 (1) (e); and *to amend* 230.44 (3), 230.44 (4) (b), 230.45
2 (1) (h) and 230.45 (3) of the statutes; **relating to:** remedial statutory changes
3 affecting the Wisconsin Employment Relations Commission (suggested as
4 remedial legislation by the Wisconsin Employment Relations Commission).

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Law Revision Committee of
the Joint Legislative Council.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation
proposal, requested by the Wisconsin Employment Relations Commission and introduced
by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful
consideration of the various provisions of the bill, the Law Revision Committee has
determined that this bill makes minor nonsubstantive changes in the statutes, and that
these changes are desirable as a matter of public policy.

5 **SECTION 1.** 230.44 (3) of the statutes is amended to read:

6 230.44 (3) **TIME LIMITS.** Any appeal filed under this section may not be heard
7 unless the appeal is filed within 30 days after the effective date of the action, or

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SECTION 1

1 within 30 days after the appellant is notified of the action, whichever is later, except
2 that if the appeal alleges discrimination under subch. II of ch. 111, the time limit for
3 that part of the appeal alleging such discrimination shall be 300 days after the
4 alleged discrimination occurred.

NOTE: Eliminates language relating to the filing period for fair employment act complaints. These complaints are processed by the Equal Rights Division (in the Department of Workforce Development) under s. 230.45 (1e) (a), stats., and not under this subsection, which deals with time for appeals to the Wisconsin Employment Relations Commission (WERC). The placement of this unrelated provision in s. 230.44 (3), stats., is unnecessary and confusing.

5 SECTION 2. 230.44 (4) (b) of the statutes is amended to read:

6 230.44 (4) (b) An employee shall attend a hearing under this subsection and
7 testify when requested to do so by the commission. Any person not under the civil
8 service who appears before the commission by order shall receive for his or her
9 attendance the fees and mileage provided for witnesses in civil actions in courts of
10 record under ch. 885, which shall be audited and paid by the state in the same
11 manner as other expenses are audited and paid, upon the presentation of properly
12 verified vouchers approved by the commission and charged to the proper
13 appropriation for the commission. No witness subpoenaed at the insistence of a
14 party other than the commission is entitled to compensation from the state for
15 attendance or travel, unless the commission certifies that his or her testimony was
16 relevant and material to the matter investigated.

NOTE: The authority of WERC under s. 230.45 (1), stats., does not include conducting investigations; the Equal Rights Division conducts investigations under s. 230.45 (1e), stats. Therefore, reference to the matter "investigated" is deleted.

17 SECTION 3. 230.45 (1) (e) of the statutes is repealed.

NOTE: Repeals an obsolete provision regarding WERC's authority to hear county merit system appeals. The referenced rules are Aid to Families with Dependent Children (AFDC) rules that have been repealed.

18 SECTION 4. 230.45 (1) (h) of the statutes is amended to read:

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230.45 (1) (h) Keep minutes of its own proceedings and other official actions. All such records shall, subject to reasonable rules, be open to public inspection. Records of the director or the administrator which are confidential shall be kept confidential by the ~~division of equal rights or the~~ commission.

NOTE: Removes reference to the Division of Equal Rights. The duties of the Division of Equal Rights in this regard are stated in s. 230.45 (1e) (c), stats.

SECTION 5. 230.45 (3) of the statutes is amended to read:

230.45 (3) The commission shall promulgate rules establishing a schedule of filing fees to be paid by any person who files an appeal under sub. (1) (c) ~~or (e)~~ or s. 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules promulgated under this subsection. Fees paid under this subsection shall be credited to the appropriation account under s. 20.425 (1) (i).

NOTE: Makes a cross-reference change to reflect the repeal of par. (e) of s. 230.45 (1), stats., by SECTION 3 of the bill.

(END)